



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 14, 1995

Ms. Clarice Cefai  
Open Records Coordinator  
Office of General Counsel  
Texas Department of Health  
1100 West 49th Street  
Austin, Texas 78756-3199

OR95-1225

Dear Ms. Cefai:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 36247.

The Texas Department of Health (the "department") has received a request for "Texas Medicaid eligibility data" including the age and sex of the beneficiary, month of eligibility, aid category, and county. You claim that section 552.101 of the Government Code exempts the requested information from required public disclosure.

In Open Records Decision No. 584 (1991), this office addressed the extent to which the Open Records Act required the Texas Department of Human Services to release information relating to individuals receiving, among other things, Medicaid assistance. This office concluded that both state and federal law prohibit public release of *any* information about Medicaid recipients, not merely the recipients' names and addresses, by limiting disclosure to purposes directly connected to the administration of the Medicaid programs. Open Records Decision No. 584 at 3; *see also* 42 U.S.C. § 602(a)(9); Hum. Res. Code § 12.003; 42 C.F.R. § 431.300.

You advise us that the requested information concerns Medicaid recipients and claim that federal law therefore prohibits its release. In 1991, the Seventy-second Legislature transferred administration of federal medical assistance funds from the Texas Department of Human Services to the Texas Health and Human Services Commission (the "commission"). Acts 1991, 72d Leg., 1st C.S., ch. 15, § 1.01, at 287 (codified at V.T.C.S. art. 4413(502), § 16). The commission was also given broad oversight powers

over "health and human service agencies," including the power to review health and human service agency rulemaking. *Id.* at 286-87 (codified at V.T.C.S. art. 4413(502), §§ 15, 16). The department is a health and human service agency, *id.* at 287 (codified at V.T.C.S. art. 4413(502), § 19), subject to the commission's broad oversight authority. *See also* Act of March 9, 1995, 74th Leg., R.S., ch. 6, § 1, 1995 Tex. Sess. Law Serv. 27-28 (Vernon) (clarifying that although the Texas Health and Human Services Commission is the state agency that administers Medicaid funds, it may "delegate to any health and human services agency the authority to operate or assist in the operation of any Medicaid program"). Thus, to the extent that it administers Medicaid programs, the department is subject to federal and state regulations governing the disclosure of information concerning Medicaid recipients.

We understand that the information at issue here was collected or generated in connection with the department's responsibilities in administering various Medicaid programs. Moreover, the requested information relates to Medicaid recipients. Accordingly, the department must withhold the requested information in its entirety under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 36247

Enclosures: Submitted documents

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